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## An Account of the Laws and Regulations relating to the Management of Village and Ecclesiastical Forests in the Province of Hanover. By George Ross, Forest Probationer. Dated May 1872.

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More than a century ago certain laws were made for regulating the management of the village, church, &c. forests in the former Kingdom of Hanover.

They were faulty, and the object to effect a decided change for the better was not attained, but in the year 1815 certain laws were passed for the forests of villages, churches, and public institutions in the principality of Hildesheim, by which a regulated and lasting economy was ensured.

The beneficial effects of these laws soon became apparent, and it was considered desirable to adopt a similar code for the forests of other municipalities as their unscientific management and administration gave great cause to fear that they would become more and more waste and barren.

In consequence of these circumstances, and in the interest of the public welfare, a law was passed in the year 1859, with the acquiescence of the principality of Calenberg-Grubenhagen, similar to that one which had been in force in Hildesheim since 1815.

By this law it was enacted that certain restrictions should be put upon the rights of the proprietors of the village, church, &c. forests in the principalities of Calenberg-Grubenhagen, and Göttingen, together with all lands belonging to them, and that the forests should be managed and governed according to the following regulations, as the indiscriminate and prodigal use of such rights had endangered the forests to the injury both of the heirs of the proprietors and the community at large.

The principal provisions of this Act are contained in the following seven paragraphs.

§ 1. The management of the forests is placed in the hands of the higher forest authorities and officers; the supervision of the management is given to the district civil officer.

§ 2. The following are to be looked upon as the items of management:—

*a.* The laying down of fixed plans of operation for the purpose of ensuring a lasting supply of wood;

*b.* The appointment of supervision of the yearly felling and cultivation;

*c.* The fixing proper and regular divisions to be cut yearly, and rendering an account of the proceeds of the same;

*d.* The assignment of permissible minor forest products, such as seed, foliage, grass, pasturage &c.

The administrators have not the right to determine how the felled wood shall be used or sold to the best advantage, after it is felled the proprietors are at liberty to deal with it as they like.

§ 3. By the laying down of the general plan of operations and the yearly estimate of felling and planting the forest proprietors or their representatives are to be allowed on application a conference with the forest officer in order to state their views and wishes, and every consideration is to be given to their proposals so far as this can be done without prejudice to the forest.

Should the proprietors not be contented with the plan of operations the district officer has to decide for or against it, and in the event of an appeal from his decision the duty devolves upon the Minister of the Interior, whose verdict is final.

§ 4. The proprietors must perform or hire others to perform at their expense the fixed fellings, plantings, and other improvements according to more detailed instructions from the administrators, and should the forest officer find it necessary to send his own workmen to carry out his orders the proprietors are responsible for their wages.

§ 5. The proprietors have further, in proportion to the necessity and according to more detailed instructions from the administrators, to make the necessary arrangements for the protection and preservation of the forests. They have also, if their revenue permit, and if the extent of the forest is proportional to the outlay, to employ an overseer solely for that purpose.

Where the forest is small, and if the circumstances admit of it, the proprietors of two or more forests can employ such an official conjointly. The overseers are under the orders and supervision of the government forest officer, who has to make the necessary provision and regulations for the

protection of the forest, and who although not obliged to has the right of enforcing such regulations himself.

§ 6. The proprietors can keep the accounts but the forest officer is obliged to keep the memoranda of felling, &c., and the register of the workmen's wages.

§ 7. The forest proprietors must pay yearly the sum of one groschen* pro morgen† (1·85 of a penny per acre) forest land to the Government as a contribution to the salary of the administrating forest officer. There are no other payments for the management of the forest required. The transactions entailed in consequence of this law between the different authorities are free of all expense to the proprietors.

The manner in which the above law was to be carried out was determined on the 26th July 1859 by the joint orders of the Minister of the Interior and the Minister of Finance and it may be exemplified by the following data received from the Oberforster Köhler of Nienburg, who has about 5,000 morgens of village forests attached to his revier.

The Oberforster or executive officer in charge of a district, to whom the administration is given after he has inspected the forest accompanied by the representatives of the villagers and explained to them what he intends doing, has to draw up a plan of the cutting and planting in September for the ensuing year.

The plan is then laid before the Forstmeister or inspecting officer in charge of a forest division for revision, and after this has taken place it is handed back again to the Oberforster with any necessary alterations and remarks. After the receipt of the approved plan the Oberforster holds another consultation with the deputation from the villagers.

The Oberforster has to keep a protocol or record of the proceedings at this consultation which, when there are no alterations desired in the plan by the representatives, is drawn up in the manner shown at the end of this paper. The matter is herewith settled and the plan ready to be carried out.

Should, however, the representatives make objections to the plan proposed, such objections are to be noted down in the protocol and sent to the Forstmeister for revisal. Should the Forstmeister think fit, he can talk over the matter with the representatives in the forest itself, and he should have regard to their desires as far as he can do so without damaging the forest.

* One groschen = 1·2 of a penny. One morgen = 0·6477 of an acre.

If the Forstmeister permits the alterations, or if they are withdrawn by the representatives, the former has to acquaint the Oberforster of the fact, in order that he can proceed to carry out the plan.

In the event of the Forstmeister being of opinion that the desired alterations deserve no attention, or if the representatives refuse to withdraw them, the Forstmeister must either,

(1.) In the event of the representatives not having requested a conference with the co-operation of the civil sub-district officer, which they are entitled to do, lay the plans for decision before the chief civil officer of the district, or

(2.) Hand them to the sub-district officer, should the representatives have requested such a conference.

In the latter case the sub-district officer conjointly with the Forstmeister, fixes a day on which to settle the matter, notice of which must be given to the representatives. Should the latter fail to put in their appearance, the sub-district officer and the Forstmeister send without delay a joint report of the circumstance to the district officer for his decision in the matter. In the event of the representatives appearing, the plan and proposed alterations are to be discussed, and both the sub-district officer and the Forstmeister should do their utmost to bring about an agreement. If, however, they find this impossible, a record of the proceedings, together with a joint report, is to be sent to the district officer.

The district officer has to communicate his verdict to the representatives through the sub-district officer, and the latter has also to notify it to the Forstmeister.

A further appeal to the Minister of the Interior against the verdict of the district officer, must be sent, together with the grounds for the appeal within 20 days after the receipt of the decision to the Forstmeister for transmission.

After the receipt of the decision of the Minister of the Interior or after the expiration of the term for appeal, the Forstmeister has again, after having made the necessary alterations if any have been determined upon, to send the plan to the Oberforster for execution.

The plan having thus been finally settled (no alterations whatever, can now be made without the sanction of the Forstmeister), is to be at once carried out and a copy of it sent to the representatives.

The Oberforster or one of his försters, if he care to entrust him, must give the overseer or workmen the necessary in-

structions regarding the felling and planting, &c.; he must especially mark out the extent of the felling, check the work done as much as possible, provide for the timely and proper execution of the same, and, if it is desired, assist the representatives to value the wood.

Only good and skilled workmen are to be employed, and the Oberforster has the power, in the event of useless or idle workmen being engaged, to dismiss them and demand that the representatives provide more capable men. If this is not immediately complied with the Oberforster can, without more ado, send qualified men himself to do the work, and the proprietors are responsible for their wages.

The proprietors are bound to comply with the forest regulations; in the event of non-compliance the Forstmeister has the power to threaten with punishment, and when necessary give weight to this threat by inflicting a fine not exceeding 50 thalers (7*l.* 10*s.*).

In the event of a fine being imposed the person is to be warned to pay it to the sub-district officer before a certain date, and that officer is to be informed that it is due.

Should the proprietor believe that he has been unjustly fined he can appeal to the district officer, and from his decision again to the Minister of the Interior.

The Oberforster has no power to impose a fine himself, but must report any case in which he thinks the imposition of one necessary to the Forstmeister.

The proprietors elect the overseers, but the Forstmeister and sub-district officer have to confirm their choice, and they should be careful to see that the following conditions have been paid attention to:—

*a.* On hiring the overseer a quarterly notice to quit should be reserved;

*b.* The overseer's wages must be liberal, in order that he may give up his whole time to his duty;

*c.* He is to receive no minor forest products of any nature whatever in lieu of wages;

*d.* The overseer must be sworn in.

It is the duty of the Oberforster and his försters to see that the overseers do their duty with zeal and impartiality, and that they report all irregularities, misdemeanors, and infringements of the forest laws either by the proprietors or by others.

The Oberforster has the power to dismiss any overseer.

The proprietors cannot dismiss an overseer without the sanction of the Oberforster. Should differences occur on

this point between the Oberforster and the proprietors, the Forstmeister and sub-district officer have to decide.

With regard to theft on the part of the proprietors, as well as strangers, the Oberforster takes the same course as he would had it occurred in a government forest.

After the operations have been carried out for the year, the Oberforster has to draw up an abstract showing in what manner they have been executed. He has also to keep a memorandum for each village forest under his charge, consisting of three parts :—

1. Account of the felling ;
2. Minor products of the forest ;
3. Cultivation, &c.

All the reports, viz. :—

*a.* Copy of plan of operations, together with protocol ;
*b.* Abstract as to how the plan has been carried out ; and
*c.* The memorandum of felling, &c.,

are to be laid before the Forstmeister for revision before the month of May of the following year, who returns them to the Oberforster to be placed in his register.

It is undeniable that these forests have already greatly benefited by this law, although it has been such a short time in force, and in spite of the fact that the proprietors, who believed they saw in the law an infringement of their rights, at first put every obstacle they could in the way of the administrators. They soon, however, saw the benefit which they themselves derived from the introduction of a proper and scientific system, and now do all in their power to assist the forest officer, and no longer object to lay out money, which was the great obstacle at first, now that they have convinced themselves that they are the gainers by it.

Surveys, when they are necessary, are done at the cost of the proprietors ; should they object, they must appeal to the district officer, whose decision is in this case final.